

112TH CONGRESS  
1ST SESSION

# H. R. 1021

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Received

DECEMBER 8, 2011

Read twice and referred to the Committee on the Judiciary

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## AN ACT

To prevent the termination of the temporary office of  
bankruptcy judges in certain judicial districts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Temporary Bank-  
3 ruptcy Judgeships Extension Act of 2011”.

4 **SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANK-**  
5 **RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-**  
6 **TRICTS.**

7       (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES  
8 AUTHORIZED BY PUBLIC LAW 109–8.—

9           (1) EXTENSIONS.—The temporary office of  
10 bankruptcy judges authorized for the following dis-  
11 tricts by section 1223(b) of Public Law 109–8 (28  
12 U.S.C. 152 note) are extended until the applicable  
13 vacancy specified in paragraph (2) in the office of a  
14 bankruptcy judge for the respective district occurs:

15           (A) The central district of California.

16           (B) The eastern district of California.

17           (C) The district of Delaware.

18           (D) The southern district of Florida.

19           (E) The southern district of Georgia.

20           (F) The district of Maryland.

21           (G) The eastern district of Michigan.

22           (H) The district of New Jersey.

23           (I) The northern district of New York.

24           (J) The southern district of New York.

25           (K) The eastern district of North Carolina.

26           (L) The eastern district of Pennsylvania.

1 (M) The middle district of Pennsylvania.

2 (N) The district of Puerto Rico.

3 (O) The district of South Carolina.

4 (P) The western district of Tennessee.

5 (Q) The eastern district of Virginia.

6 (R) The district of Nevada.

7 (2) VACANCIES.—

8 (A) SINGLE VACANCIES.—Except as pro-  
9 vided in subparagraphs (B), (C), (D), and (E),  
10 the 1st vacancy in the office of a bankruptcy  
11 judge for each district specified in paragraph  
12 (1)—

13 (i) occurring more than 5 years after  
14 the date of the enactment of this Act, and

15 (ii) resulting from the death, retire-  
16 ment, resignation, or removal of a bank-  
17 ruptcy judge,

18 shall not be filled.

19 (B) CENTRAL DISTRICT OF CALIFORNIA.—

20 The 1st, 2d, and 3d vacancies in the office of  
21 a bankruptcy judge for the central district of  
22 California—

23 (i) occurring 5 years or more after the  
24 date of the enactment of this Act, and

1                   (ii) resulting from the death, retire-  
2                   ment, resignation, or removal of a bank-  
3                   ruptcy judge,  
4                   shall not be filled.

5                   (C) DISTRICT OF DELAWARE.—The 1st,  
6                   2d, 3d, and 4th vacancies in the office of a  
7                   bankruptcy judge for the district of Delaware—

8                   (i) occurring more than 5 years after  
9                   the date of the enactment of this Act, and

10                  (ii) resulting from the death, retire-  
11                  ment, resignation, or removal of a bank-  
12                  ruptcy judge,  
13                  shall not be filled.

14                  (D) SOUTHERN DISTRICT OF FLORIDA.—  
15                  The 1st and 2d vacancies in the office of a  
16                  bankruptcy judge for the southern district of  
17                  Florida—

18                  (i) occurring more than 5 years after  
19                  the date of the enactment of this Act, and

20                  (ii) resulting from the death, retire-  
21                  ment, resignation, or removal of a bank-  
22                  ruptcy judge,  
23                  shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—

Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES

EXTENDED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office

1 of a bankruptcy judge for the respective district oc-  
2 curs.

3 (2) VACANCIES.—

4 (A) DISTRICT OF DELAWARE.—The 5th  
5 vacancy in the office of a bankruptcy judge for  
6 the district of Delaware—

7 (i) occurring more than 5 years after  
8 the date of the enactment of this Act, and

9 (ii) resulting from the death, retire-  
10 ment, resignation, or removal of a bank-  
11 ruptcy judge,

12 shall not be filled.

13 (B) DISTRICT OF PUERTO RICO.—The 2d  
14 vacancy in the office of a bankruptcy judge for  
15 the district of Puerto Rico—

16 (i) occurring more than 5 years after  
17 the date of the enactment of this Act, and

18 (ii) resulting from the death, retire-  
19 ment, resignation, or removal of a bank-  
20 ruptcy judge,

21 shall not be filled.

22 (C) EASTERN DISTRICT OF TENNESSEE.—

23 The 1st vacancy in the office of a bankruptcy  
24 judge for the eastern district of Tennessee—

- 1 (i) occurring more than 5 years after  
2 the date of the enactment of this Act, and  
3 (ii) resulting from the death, retire-  
4 ment, resignation, or removal of a bank-  
5 ruptcy judge,  
6 shall not be filled.

7 (3) APPLICABILITY OF OTHER PROVISIONS.—  
8 Except as provided in paragraphs (1) and (2), all  
9 other provisions of section 3 of the Bankruptcy  
10 Judgeship Act of 1992 (28 U.S.C. 152 note) and  
11 section 1223(c) of Public Law 109–8 (28 U.S.C.  
12 152 note) remain applicable to the temporary office  
13 of bankruptcy judges referred to in paragraph (1).  
14 (c) TEMPORARY OFFICE OF THE BANKRUPTCY  
15 JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE  
16 MIDDLE DISTRICT OF NORTH CAROLINA.—

17 (1) EXTENSION.—The temporary office of the  
18 bankruptcy judge authorized by section 3 of the  
19 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152  
20 note) for the middle district of North Carolina is ex-  
21 tended until the vacancy specified in paragraph (2)  
22 occurs.

23 (2) VACANCY.—The 1st vacancy in the office of  
24 a bankruptcy judge for the middle district of North  
25 Carolina—

1 (A) occurring more than 5 years after the  
2 date of the enactment of this Act, and

3 (B) resulting from the death, retirement,  
4 resignation, or removal of a bankruptcy judge,  
5 shall not be filled.

6 (3) APPLICABILITY OF OTHER PROVISIONS.—  
7 Except as provided in paragraphs (1) and (2), all  
8 other provisions of section 3 of the Bankruptcy  
9 Judgeship Act of 1992 (28 U.S.C. 152 note) remain  
10 applicable to the temporary office of the bankruptcy  
11 judge referred to in paragraph (1).

12 **SEC. 3. BANKRUPTCY FILING FEE.**

13 (a) BANKRUPTCY FILING FEE.—Section 1930(a)(3)  
14 of title 28, United States Code, is amended by striking  
15 “\$1,000” and inserting “\$1,042”.

16 (b) EXPENDITURE LIMITATION.—Incremental  
17 amounts collected by reason of the enactment of sub-  
18 section (a) shall be deposited in a special fund in the  
19 Treasury to be established after the date of enactment of  
20 this Act. Such amounts shall be available for the purposes  
21 specified in section 1931(a) of title 28, United States  
22 Code, but only to the extent specifically appropriated by  
23 an Act of Congress enacted after the date of enactment  
24 of this Act.



- 1       (c) EFFECTIVE DATE.—This section shall take effect  
2 180 days after the date of enactment of this Act.

Passed the House of Representatives December 6,  
2011.

Attest:

KAREN L. HAAS,  
*Clerk.*